[30th November 1970

மிஸ்டர் சேர்மன் : 3-ம் தேதியன்று வேறு எந்த அமைச்சராவது பதிலளிப்பார்கள்.

மாண்புமிகு திரு. பி.யு. ஷண்முகம்: தலைவரவர்களே, எதிர்க் கட்சித் தலைவர் அவர்கள் ஒரு குறுகிய காலக் கேள்வி கொடுத்திருப்ப தாகக் குறிப்பிட்டார்கள். அதற்கு முதலமைச்சர் அவர்கள் இல்லா திருப்பதால் 2-ம் தேதியன்று வேறு யாராவது அமைச்சர் அவர் கள் பதில் அளிக்க வேண்டுமென்று கூறினார்கள். நான் அந்தக் கேள்வி என்ன என்று இப்பொழுது கேட்டேன். அது போலீஸ் இலாகா பற்றிய கேள்வி. அது மட்டுமல்லாமல், உள்துறை அமைச்சர் அவர்களே இருந்து அதற்குப் பதில் அளிக்க வேண்டியதாக இருப்பதால், அடுத்த கூட்டத்தொடரில் பதில் அளிப்பார் என்று எதிர்க் கட்சித் தலைவர் அவர்களுக்குத் தெரிவித்துக்கொள்கிறேன்.

(*Deputy Chairman in the Chair*)

V. GOVERNMENT MOTION

Nomination f one Member to serve on the Committee on Subordinate Legislation of the Assembly

4-40 p.m. THE HON. THIRU V. R. NEDUNCHEZHIYAN: Mr. Deputy Chairman, Sir, I move—

"That this House nominates the following one Member of the Council, namely, Thiru N. Wilson Appollos, to serve on the Committee on Sobordinate Legislation of the Legislative Assembly for the year 1970-71 in the vacancy caused by the demise of Thiru M.Ethirajulu."

DEPUTY CHAIRMAN : The question is—

"That this House nominates the following one Member of the Council, namely, Thiru N. Wilson Appollos, to serve on the Committee on Subordinate Legislation of the Legislative Assembly for the year 1970-71 in the vacancy causedby the demise of Thiru M. Ethirajulu."

The motion was put and carried.

VI. GOVERNMENT RESOLUTION

THE HON. THIRU P. U. SHANMUGHAM : Sir, I move—

"That in pursuance of section 305-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) the House do resolve to approve the following draft of the rules to regulate the classification, methods of recruitment, conditions of service, discipline and pension in respect of the Municipal Services (Pensionable) for the State of Tamil Nadu :

1. The Tamil Nadu Municipal Service Rules, 1970.

    Part I Preliminary.

    Part II General Rules.

30th November 1970] [Thiru P. U. SHANMUGHAM]

Part III Section 1 The Tamil Nadu Municipal General Service Rules, 1970.

Section 2 The Tamil Nadu Municipal Engineering and Water Works Service Rules, 1970.

Section 3 The Tamil Nadu Municipal Town Planning Service Rules, 1970.

Section 4 The Tamil Nadu Municipal Public Health and Medical Service Rules, 1970.

Section 5 The Tamil Nadu Municipal Education Service Rules, 1970.

2. The Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

3. The Tamil Nadu Municipal Services Pension Rules, 1970."

Hon. Members of this House may be aware of the Government's decision to constitute with effect from the 14th January, 1970 State-wide Municipal Services for certain classes of Municipal Employees including employees of Township Committees. The decision was taken after consulting all the Municipal Councils on the proposal as required by section 77-A (1) of the Tamil Nadu District Municipalities Act, 1920 and after the majority of the Councils had passed resolutions supporting the issue. A notification, constituting under the said sub-section the following five State-wide Municipal Services, has been published in the Tamil Nadu Government Gazette :—

1. The Tamil Nadu Municipal General Service ;
2. The Tamil Nadu Municipal Engineering and Water Works Service ;
3. The Tamil Nadu Municipal Town Planning Service ;
4. The Tamil Nadu Public Health and Medical Service ; and
5. The Tamil Nadu Educational Service.

Section 77-A (2) empowers the State Government to make rules to regulate the classification, methods of recruitment, conditions of service, pay and allowances and discipline and conduct of the Municipal Services constituted by them. The Government have, therefore, in exercise of the powers conferred by the said sub-section read with section 8 (2) of the Tamil Nadu Public Health Act, 1939, framed the following rules :—

1. The Tamil Nadu Municipal Service Rules, 1970

Part I Preliminary.

Part II General Rules.

[Thiru P. U. SHANMUGHAM] [30th November 1970

Part III Section 1 Tamil Nadu Municipal General Rules.

Section 2 Tamil Nadu Municipal Engineering and Water Works Service Rules.

Section 3 Tamil Nadu Municipal Town Planning Service Rules.

Section 4 Tamil Nadu Public Health and Medical Service Rules.

Section 5 Tamil Nadu Municipal Educational Service Rules.

2. The Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

3. The Tamil Nadu Municipal Services Pension Rules, 1970.

Section 305-A of the Tamil Nadu District Municipalities Act requires that the draft of the rules relating to Municipal Services constituted under section 77-A(1) should be placed before the Houses of Legislature for their approval. The draft rules have accordingly been placed before the House.

In their pattern, these rules closely follow the rules applicable to Government servants. At present they cover only municipal employees, the minimum of whose scale of pay is not less than Rs. 90/- per mensem.

The services are pensionable. Hence every member of a service retiring on or after 14th January, 1970 will be eligible to draw superannuation pension. The pension will be paid from what is known as the Municipal Employees' Pension Fund. This fund will be constituted out of contributions paid by Municipal Councils and Township Committees.

DEPUTY CHAIRMAN : Resolution moved—

" That in pursuance of section 305-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) the House do resolve to approve the following draft of the rules to regulate the classification, methods of recruitment, conditions of service, discipline and pension in respect of the Municipal Services (Pensionable) for the State of Tamil Nadu :

1. The Tamil Nadu Municipal Service Rules, 1970.

Part I Preliminary.

Part II General Rules.

30th November 1970] [DEPUTY CHAIRMAN]

Part III Section 1 The Tamil Nadu Municipal General Service Rules, 1970.

Section 2 The Tamil Nadu Municipal Engineering and Water Works Service Rules, 1970.

Section 3 The Tamil Nadu Municipal Town Planning Service Rules, 1970.

Section 4 The Tamil Nadu Municipal Public Health and Medical Service Rules, 1970.

Section 5 The Tamil Nadu Municipal Education Service Rules, 1970.

2. The Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

3. The Tamil Nadu Municipal Services Pension Rules, 1970."

*THIRU M. RAJAH IYER : Mr. Deputy Chairman, I would like to make a few observations on the rules placed before the House. I find that in the General Rules framed, very elaborate rules have been laid down to indicate the procedure that must be adopted when a servant wishes to change his date of birth under the particular Municipal Service Rules that we are today adumbrating. But it has been copied from the Government Servants' Service Rules. Not that I object to the procedure as such. But I would like to take this opportunity to impress upon the Government the need to obviate any such necessity for alteration of the date of birth. It is very well-known the dates of birth are often manipulated. When one tries to enter service he wishes to be older than he actually is. But when one is nearing his retirement, one tries to be younger than one actually is. Nothing should be easier for one than to prove one's own date of birth. The date and the hour of our birth are something very important for our lifetime and it must be very easy to prove that to the satisfaction of everybody if only we take the precaution that is being taken in the tiny island close to us, namely, Ceylon.

When a child is put to school in Ceylon, along with the application for admission and other relevant records, the parent is obliged to submit an extract of date of birth also. A certificate of date of birth has to be appended at the time of admission into the school and it will stand there for all time to come. All these necessitates to prove the correctness of the date of birth and get it altered one way or the other—it might be a *bona fide* mistake that is sought to be corrected—could be obviated if only we take the precaution to lay it down compulsorily that at the time of admission certified extracts from the Birth Register must be produced.

[Thiru M. RAJAH IYER] [30th November 1970

There are rules for the Municipal Services, Sir. On page 33, in Rule 9 of the General Service Rules, the procedure for recruitment has been laid down. My only regret is that the Municipal Services Rules have not made a change from the Tamil Nadu Public Service Commission Rules. Unfortunately, in the rules for selection to the Municipal Services, the rules for examination are loaded in favour of English. There are four papers out of which, one alone is a paper with a maximum of 100 marks in Tamil and two other papers have got to be in English carrying 200 marks. The fourth paper may be answered either in English or Tamil, so it reduces itself to this. A candidate who may be very good in Tamil has got 100 marks left to him and a candidate who is good in English has got 300 marks advantage over his rival competitor sitting for the Service Commission examination. Therefore, I think that at least rule 9 on page 33 will have to be reconsidered and amended There is no need for another paper in English carrying 100 marks in Precis-writing. Why should it not be made a part of second paper in English carrying 100 marks? There is already a paper in English Essay carrying 100 marks. The same paper may carry 50 marks for Essay writing and 50 marks for precis-writing. A candidate has got to write the examination consisting of 2 papers carrying 200 marks in Essay writing, translation, another paper carrying 100 marks for precis-writing and a fourth paper in general knowledge carrying 100 marks. The fourth paper may be answered either in English or in Tamil. I would like the general knowledge paper to be purely in Tamil. It is laid down here that the question paper will be set in English and that the candidate may answer either in English or in Tamil. Why should not the question paper itself be in Tamil ? There must be at least parity in the number of marks allotted. Let there be 200 marks each for English and Tamil and let there not be 100 marks for Tamil and 300 marks for English. This calls for reconsideration by the Government.

Another thing I would like to refer to is Category VIII-A—Typists and Steno-Typists. The candidates have to sit for the same examination along with the other people who come and appear for the examination and who may be very good in academic subjects. Unfortunately, there is no special advantage shown to students who have studied under Secretarial Course. It is printed in page 21 in the Schedule given here and marks have been laid down for various types of courses, namely, Engineering Course, Agriculture Course, Secretarial Course and so on.
4-50 p.m. A comparitive study of these courses would easily prove that the most difficult course is the "Secretarial Course" carrying 800 marks. Why should not the post of Typist be exclusively reserved for students who have studied under the "Secretarial Course"? At least in Municipal Schools, I would like the posts of typists to be reserved for the students who have studied under the Secretarial Course. When this Secretarial Course was introduced, the *raison d'etre* for the bifurcated courses was that these boys and girls, who study under the Secretarial Courses would be given preference at the time of recruitment for the posts of Typists

30th November 1970] [Thiru M. RAJAH IYER]

in Government Service. Unfortunately, it has remained a dead letter. They are not giving preference to these students at all. Why should not the Municipal Services at least create an innovation here and say that for the post of Typist in Municipal Services only those who have studied under the difficult Secretarial Course carrying 800 marks would be given preference ? This is only a suggestion.

Then, I come to the Municipal Educational Service Rules. I find that Class I—Municipal Educational Officers are going to be Statewide Officers. It is well that it is so. The recruitment will be from the Senior Headmasters of High Schools from all over the State. It is a State-level job and it is well that promotion to that category is from the Headmasters from all over the State. Regarding promotion to Class II—Headmasters, it has been laid down that it would be only from the categories 1 to 3 of Class III and that means that they must be B.T. Assistants only. I am sorry it conflicts with the existing position. To-day not only the B.T. Assistants, but also such of the First Grade Pandits and Secretarial Assistants as possess the B.T. Degree are eligible for promotion as Headmasters. I do not mean to suggest anything new. The existing privilege is open to Tamil Pandits, Grade I, and Secretarial Assistants. They draw the same scales of pay but do not come under categories 1 to 3. Whether Tamil Pandits should be promoted as Headmasters simply because they are first Grade Tamil Pandits is a larger question. That is being looked into, debated upon and discussed at the highest level. I understand that representations have also been made. I am not referring to the larger question of Grade I Tamil Pandits being pronounced competent for promotion as Headmasters. But to-day, the Grade I Tamil Pandit holding a B.T. Degree is eligible for promotion as Headmaster and the Secretarial Assistant who holds a B.T. degree is also eligible for promotion as Headmaster. But this eligibility is taken away in the Municipal Schools, because the promotion here is confined to categories 1 to 3. I would like that the rule in page 66 should include this group also and it should say that promotion to the post of Headmaster in Municipal Services would be open to categories 1 to 3 of Class III as well as to I Grade Pandits and Secretarial Assistants who possess the B.T. Degree.

In pages 67-68, the appointing authority for Class I has been laid down. The provision is quite amazing and it is extremely surprising. It is something that I would like the Government to consider most earnestly. The appointing authority for the Municipal Educational Officer, who is a State-level Officer, is the Director of Municipal Administration and it is laid down that the appointment shall be made in consultation with the Director of School Education. Likewise the Headmaster, who is chosen within the group in the Revenue District is appointed by the Senior Personal Assistant to the Director of Municipal Administration and he must do so in consultation with the Chief Educational Officer.

It is well and good. It is unexceptionable. The Municipal Educational Officers are appointed by the Director of Municipal Administration in consultation with the Director of School Education. But the district level officers, Headmasters are appointed by the Senior Personal Assistant to the Director of Municipal Administration in consultation with the District-level Educational Officer, Chief Educational Officer. It is also anticipated that there may be difference of opinion between these two people. It is stated that where there is difference of opinion, the orders of the appointing authority will stand. I cannot understand why there should be any consultation at all if, where there is difference of opinion, the orders of the appointing authority are to stand. The appointing authority is the Director of Municipal Administration. He chooses 'A'. He consults the Director of School Education, who chooses 'B'. Then there is difference of opinion between the Director of Municipal Administration and the Director of School Education, one choosing 'A' and the other choosing 'B'. How can we say that the orders of the Director of Municipal Administration who chooses 'A' shall stand ? Then there need not be any consultation at all. Consultation then becomes a mere formality and is farcical. It is something like "heads I win and tails you lose." If consultation is to have any meaning, where there is difference of opinion it must be referred to the higher authority and the orders of the higher authority must stand. That is the existing practice, Sir. According to the present rules, I know there is sound provision where there are differences of opinion and in Note 5 under the eisting rules for the appointment of headmasters it is laid down that if there is difference of opinion between the Chief Educational Officer and the Appointments Committee, as the case may be, regarding the names included in the lists for appointment as Headmasters, either of them may refer the matter to the Director of School Education, because it is the Chief Educational Officers who, in consultation with the Municipal Administration Appointments Committee draws up the panel to appoint the Headmasters. In cases where there is difference of opinion, they refer it to the Director of School Education, whose decision thereon is final. It is quite natural and it is what it should be where two authorities do not agree. What is the point in saying that the order of the appointing authority must stand ? Then there need be no consultation at all, if it is simply laid down that the orders of the appointing authority will stand. He will merely record for statistical purposes in the file—which will be lodged—why he could not agree with the Director of School Education. We are appointing very high officers choosing from among competent men and appointing them as Headmasters and Municipal Educational Officers. I would like this particular provision to be amended so that in case there is difference of opinion between the appointing authority and the Consultint Authority, it must be either referred to the State Government or it must be referred to the Director of School Education, as the case may be.

I am also happy that the Discipline and Appeal Rules have been laid down, and I agree with all the rules found here. But I would only like to say that in respect of rule 17 which says that in the case of an appeal, the appellate authority shall pass such order as appears to it just and equitable having regard to all the circumstances of the case. A time limit should be laid down for the appeals to be disposed of. A person affected must be bound to appeal within a limited time, say, within a month. A servant who is affected by the order may prefer his appeal within a month and when the appeal is preferred, I think, the appellate authority must dispose of the appeal within three or six months as the case may be, without all the appeals hanging on for a long time for being disposed of. Thank you very much.

DEPUTY CHAIRMAN : Does any other hon. Member wish to speak ?

(No. hon. Member rose . . .)

மாண்புமிகு திரு. பி.யு. ஷண்முகம் : தலைவர் அவர்களே, மாண்புமிகு உறுப்பினர் திரு. ராஜா அய்யர் அவர்கள் தனது நீண்ட அனுபவத்தை வைத்து, கல்வித் துறையில் உள்ள அனுபவத்தை வைத்து, பல அரிய கருத்துக்களைச் சொன்னார்கள். அவருடைய அனுபவத்திற்காகப் பாராட்டுகிறேன். ஆனால் அவர் சொன்ன யோசனைகளை ஏற்றுக்கொள்வதற்கில்லை என்பதை மட்டும் நான் வருத்தத்தோடு தெரிவித்துக்கொள்கிறேன். இந்த விதிமுறைகள் மாநகராட்சிகளுக்கு அனுப்பப்பட்டு, அவர்களின் சம்மதத்தைப் பெற்று, அதற்குப் பிறகு தான் இங்கே கொண்டுவரப்பட்டிருக்கின்றன. அவர்கள் கூறிய தலைமை ஆசிரியர்களைப் போடுவதைப்பற்றி விளக்கமாக எடுத்துக் கூறினார்கள். டைரக்டர், ஸீ.இ.ஓ. இவர்களின் இடையிலே கருத்து வேறுபாடு இருக்குமானால், அதற்கு மேல் இன்னொரு அதிகாரி முடிவு செய்ய வேண்டுமே தவிர, ஏன் முனிசிபல் டைரக்டரே முடிவு செய்ய வேண்டும் என்று கேட்டார்கள். இப்போதைய விதி முறைகளின்படி முடிவு செய்வதிலே ஏதாவது தவறு ஏற்படுமானால் அதை நிவர்த்தி செய்கிற அதிகாரம் அரசாங்கத்தினிடத்திலே இருக்கிறது. அரசாங்கம் அதன்படி நடவடிக்கை எடுத்து ஏதாவது தவறு ஏற்படுமானால், அதை நிவர்த்தி செய்யும் என்ற உறுதிமொழியை மாண்புமிகு ராஜா அய்யர் அவர்களுக்குத் தெரிவித்துக் கொள்கிறேன். ஆனால் இப்படிப் பொதுவாக ஒரு விதி முறை இருப்பது நல்லது என்ற யோசனையைச் சொல்லியிருக்கிறார். கல்வித் துறையில் ஒரு நகராட்சியில் தலைமை ஆசிரியரை நியமிப்பதில், இப்போது உள்ள சட்டப்படி டைரக்டருக்கும், ஸி.இ.ஓ வுக்கும் கருத்து வேறுபாடு ஏற்படுமானால், அதில் ஒரு முடிவு செய்கிற அதிகாரத்தை உள்ளாட்சித் துறை அதிகாரியிடத்திலே விட்டு வைக்க வேண்டுமென்ற கருத்தைத் தெரிவித்தார்கள். ஆனால் அப்படிச் செய்வதில் பல சங்கடங்கள் வந்து சேரும். மாநிலம் முழுவதிற்கும் பாடசாலைகளின் தலைமை ஆசிரியர்களின் பேனலைத் தயார் செய்யும் நேரத்தில் பல சிக்கல்கள் வந்து சேரும். இதைக் கவனிப்பதற்குத்தான் அரசாங்கத்திற்கு நேரம் சரியாக இருக்குமே தவிர, மற்ற வேலைகளைக் கவனிக்க முடியாது. எனவே அவர் கூறிய கருத்துக்களைக் கவனமாகப்

பரிசீலனை செய்து அரசாங்கம் வேண்டியவைகளைச் செய்யும் என்ற உத்திரவாதத்தை அவருக்கு நான் அளிக்கிறேன். நியாயமான குறைபாடுகள் அரசாங்கத்தின் கவனத்திற்குக் கொண்டுவரப்படுமானால், அவற்றை அரசாங்கம் பரிசீலனை செய்து ஆவன செய்யும் என்று உறுதி கூறி இந்தச் சட்ட விதிகளை இந்த மன்றத்தில் நிறைவேற்றித் தர வேண்டுமென்று மாண்புமிகு உறுப்பினர்களைக் கேட்டுக்கொள்கிறேன்.

DEPUTY CHAIRMAN : The question is—

5-00 p.m. " That in pursuance of section 305-A of the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act V of 1920) the House do resolve to approve the following draft of the rules to regulate the classification, methods of recruitment, conditions of service, discipline and pension in respect of the Municipal Services (Pensionable) for the State of Tamil Nadu :

1. The Tamil Nadu Municipal Service Rules, 1970.

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Section 5 The Tamil Nadu Municipal Educational Service Rules, 1970.

2. The Tamil Nadu Municipal Services (Discipline and Appeal) Rules, 1970.

3. The Tamil Nadu Municipal Service Pension Rules, 1970."

The resolution was put and carried.

VII. GOVERNMENT BILL

The Tamil Nadu Co-operative Societies (Amendment) Bill, 1970 (L.A. Bill No. 27 of 1970)

*THE HON. THIRU SI. PA. ADITANAR : I move—

" That the Tamil Nadu Co-operative Societies (Amendment) Bill†, 1970 (L.A. Bill No. 27 of 1970), as passed by the Assembly, be taken into consideration for making recommendations."

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† Printed as Appendix III